

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Criminal Action No.  
                                ) 04-00246-05-CR-W-DW  
LOREN W. MAY, SR.,        )  
                                )  
Defendant.                 )

REPORT AND RECOMMENDATION

On May 26, 2005, defense counsel made an oral motion seeking judicial determination of Defendant's mental competency. Defendant was examined by Jason V. Dana, Psy. D., who prepared a report dated August 15, 2005.

On September 12, 2005, I held a competency hearing. Defendant was present, represented by appointed attorney Kurt D. Marquart. The government was represented by Assistant United States Attorney W. Brent Powell. The parties stipulated to the contents and findings of Dr. Dana (Tr. at 3),<sup>1</sup> and waived the ten-day objection period (Tr. at 3).

Based upon the uncontested evidence stipulated to by the parties in this case, I find that Defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant competent to stand trial and to assist in his defense.

It is

ORDERED that each party has until September 14, 2005, to file and serve specific objections (Tr. at 3).

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<sup>1</sup>"Tr". refers to the transcript of the competency hearing.

*/s/ Robert E. Larsen*

ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
September 13, 2005